

Appl. No. 10/054,825
Reply Date: April 12, 2005
Reply to Office Action of December 13, 2004

• • REMARKS/ ARGUMENTS • •

The Advisory Action of March 29, 2005 the Examiner has indicated that applicants' Request for Reconsideration was considered, but was not deemed to place the application into condition for allowance.

On the continuation sheet of the Advisory Action the Examiner has specifically stated:

....it is noted that Chmielewski shows in figure 5 an embodiment of the invention in which the supplementary absorbent batt assembly is T-shaped.

The Examiner goes on to hypothesize:

The T-shape causes the body facing sheet 704 and opposite sheet 706 of the supplementary absorbent to extend beyond the absorbent. Therefore, when the edges of the supplementary assembly are attached to the body facing surface of the primary assembly, the sheets 704 and 706, rather than the supplementary absorbent itself, will be in direct contact with the body facing surface. This configuration allows for the supplementary absorbent to easily be spaced apart from the primary absorbent, since it is not attached to the body facing surface of the primary assembly as closely as the embodiment shows in figure 2. Both the problems of eliminating the lines of attachment 726 and reducing the curvature of the assembly are obviated by the embodiment of figure 5.

It appears that the Examiner is improperly reading too much into Fig. 5 of Chmielewski et al.

A modified Fig. 5 of Chmielewski et al. is provided here (larger copy attached as Exhibit A):

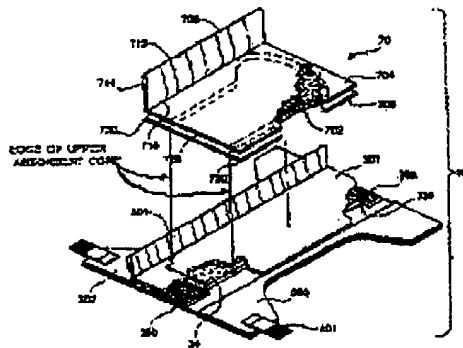
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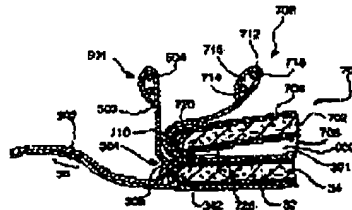
FIG. 5



This modified Fig. 5 of Chmielewski et al. includes parallel lines that extend downward from the opposite side edges of the upper absorbent core 702. As the Examiner will note, the width of the upper absorbent core 702 is the same as the width of the lower absorbent core 34.

Therefore, there is nothing to prevent the upper and lower absorbent cores in Fig. 5 from being attached together with the line of attachment 726 shown in Fig. 2:

FIG. 2



Note the line of attachment is between a portion of backing layer 706 that is beneath and inside the side edge of upper absorbent core 702 and a portion of panel 301 that is over and inside of the side edge of the lower absorbent core 34.

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Chmielewski et al. does not teach any other attachment configuration.

Moreover Chmielewski et al. teaches that such a configuration is required to cause the formation of an arch-shaped pocket opening 80.

The Examiner's hypothesis that:

Therefore, when the edges of the supplementary assembly are attached to the body facing surface of the primary assembly, the sheets 704 and 706, [rather than the supplementary absorbent itself,] will be in direct contact with the body facing surface. This configuration allows for the supplementary absorbent to easily be spaced apart from the primary absorbent, since it is not attached to the body facing surface of the primary assembly as closely as the embodiment shows in figure 2.

is completely unsupported by the teachings of Chmielewski et al.

Certainly sheet 706 is attached to (and directly in contact with) panel 301 (body facing surface) in Fig. 2 - a configuration which the Examiner indicates distinguishes that the embodiment of Fig. 5 from the embodiment of Fig. 2.

It is submitted that the teachings of Chmielewski et al. do not support the Examiner's position.

At the very least, Chmielewski et al. does not in any way teach the configuration and structure required by applicants' pending claims.

The Examiner's statement:

Both the problems of eliminating the lines of attachment 726 and reducing the curvature of the assembly are obviated by the embodiment of figure 5.

is unclear.

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Chmielewski et al. does not appear to identify problems associated with the lines of attachment 726 and reducing the curvature of the assembly.

Accordingly, there seems to be no support for this basis upon which the Examiner purports that Chmielewski et al. renders applicants' claimed invention obvious.

Reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

The arguments presented in applicants' response to the Final Rejection of December 13, 2004 (filed March 10, 2005) are incorporated herein.

The new arguments presented in the present response are intended to address the new issues that the Examiner has raised in the Advisory Action of March 29, 2005.

It is believed that the above represents a complete response to the outstanding Official Action and reconsideration is requested.

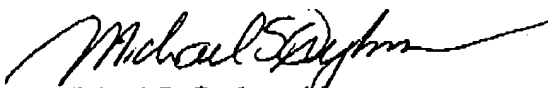
If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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